

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 09-240(DSD/FLN)

Jon E. Kubes,

Plaintiff,

v.

ORDER

Entrepreneurs & Free Markets, PLC
and Brendan R. Tupa,

Defendants.

This matter is before the court on defendants' motion for sanctions pursuant to Federal Rule of Civil Procedure 11. On January 28, 2009, plaintiff Jon E. Kubes ("Kubes") filed a complaint against defendants Entrepreneurs & Free Markets, PLC and Brendan R. Tupa, alleging violations of the Fair Debt Collection Practices Act. Defendants moved for sanctions on April 23, 2009, arguing that Kubes filed the action in bad faith and without a proper investigation of the facts or the law. The court granted Kubes' motion to voluntarily dismiss the case with prejudice on April 27, 2009. On June 12, 2009, the court heard oral arguments on defendants' motion for sanctions.

Rule 11 provides in pertinent part that, "by presenting to the court a pleading [an attorney] certifies that to the best of [her] knowledge ... [the pleading] is not being presented for any improper purpose ... is warranted by existing law ... [and] the factual contentions have evidentiary support." Fed. R. Civ. P. 11(b). If Rule 11 is violated, a court "may impose an appropriate

sanction." Id. at 11(c). Based upon a review of the file, record and proceedings herein, and for the reasons stated at the June 12, 2009, hearing, the court determines that Rule 11 sanctions are not warranted in this case. Therefore, **IT IS HEREBY ORDERED** that defendants' motion [Doc. No. 5] is denied.

Dated: June 16, 2009

s/David S. Doty
David S. Doty, Judge
United States District Court